

EXHIBIT A

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NURSAN METALURJI ENDUSTRISI, A.S.,

Plaintiff,

Case No.: 07 CIV 7687 (GBD)

-against-

M/V "TORM GERTRUD" her engines, tackle,
boilers, etc. *in rem*, M/V "NEW FLAME" her engines,
tackle, boilers, etc. *in rem*,
A/S DAMPSKIBSSELSKABET TORM, TRANSMAR
SHIPPING CO. S.A., GLADIATOR NAVIGATION S.A.,
in personam,

**DECLARATION OF
JAMES F. SWEENEY**

Defendants.
-----X

JAMES F. SWEENEY declares as follows:

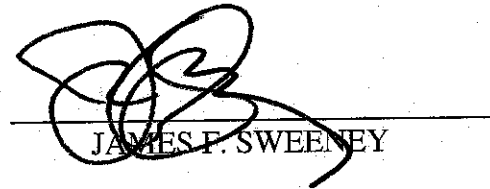
1. I am an attorney at law, duly admitted to practice in this Honorable Court and am a member of the firm of NICOLETTI HORNIG & SWEENEY, attorneys for defendants A/S DAMPSKIBSSELSKABET TORM and the M.T. TORM GERTRUD *in rem* (collectively "Torm").
2. I make this Declaration in support of Torm's motion to dismiss for lack of *in personam* jurisdiction and/or for *forum non conveniens*.
3. Attached hereto as Exhibit A is a true and correct copy of the Government of Gibraltar's 21 August 2007 Press Release.
4. Attached hereto as Exhibit B is a true and correct copy of the Government of Gibraltar's 14 September 2007 Press Release.
5. Attached hereto as Exhibit C is a true and correct copy of the "Vessel Entrance or Clearance Statement" for the M/V NEW FLAME.

6. Attached hereto as Exhibit D is a true and correct copy of the Judicial Caseload Profile Report for U.S. District Court for the Southern District of New York, available at <http://www.uscourts.gov/cgi-bin/cmsd2006.pl>.

7. For further information concerning the subject casualty, please see http://en.wikipedia.org/wiki/M/V_New_Flame.

Pursuant to 28 U.S.C § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7 December 2007
New York, New York



JAMES F. SWEENEY

Exhibit A



GOVERNMENT OF GIBRALTAR

Ministry for Trade, Industry, Employment and Communications
Suite 771
Europort
Gibraltar

PRESS RELEASE

No. 188/2007

Date. 21 August 2007

The operation to salvage the stricken bulk-carrier MV "New Flame" was halted yesterday evening when the salvage team became aware that the vessel had become unstable and in danger of breaking.

The Salvage Master instructed the Salvage Team to evacuate the vessel and transfer to the tug "Fotiy Krylov" which has been assisting in the operation since its arrival in Gibraltar last Sunday. The likely outcome is that the vessel will break in two due to the effects of swell and tides. Should this happen, the likely course of action is for the aft section of the vessel to be towed into a place of safety.

It is envisaged that, operational safety permitting, a dive survey will be conducted later today to assess the situation. The results of the survey will determine the course of action to follow.

The Salvage Master has assured the Government that the breaking up of the vessel would cause the aft section to float and all the remaining fuel onboard will remain safely intact in the storage tanks. Throughout this operation an offshore oil boom and other necessary oil response equipment have been deployed at the scene in the unlikely event that this should be required.

Exhibit B



GOVERNMENT OF GIBRALTAR
PRESS OFFICE
No.6 Convent Place
Gibraltar
Tel: 70071; Fax: 74524

PRESS RELEASE

No. 206 /2007

Date. 14th September 2007

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MV New Flame

The operation to remove the fuel from the vessel has been successfully completed. 780 cubic metres of fuel has been removed in just 30 days, despite the exposed location of the vessel and the loss of 10 days due to inclement weather. No fuel has been spilled from the New Flame into the sea. The Gibraltar Government would like to congratulate the salvage Company, TSAVLIRIS of Greece for the successful completion of this important part of the salvage operation.

The salvage operation now moves into its next phase which is the removal of the ship. Due to structural degradation suffered by the vessel during the collision and subsequently, it will not be possible to extract the ship in one piece. The ship will therefore have to be cut into two sections, at a point about one-third of its length, from the bow, just forward of No2 crane.

The stern section, comprising two thirds, of the ships' length and three cargo holds will be removed first. This section will float and will be towed away to safe waters in the Bay of Gibraltar where some of her cargo will be removed at anchorage to enable her to be brought alongside. Once alongside the remainder of the cargo will be unloaded and the stern section towed into Cammell Laird Gibraltar Dry Docks.

The bow section, consisting of about 1/3 of the ship's length and two cargo holds will then be removed, in sections, including the cargo, which consists of non-oil scrap metal.

These salvage operations are currently being engineered. The removal of the stern section could begin in around three weeks time, and will take about one month to complete. The operation to remove the whole of the ship might

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take upto 6 months, subject to weather conditions. This phase of the operation does not represent a risk of a pollution event.

During the salvage operation the site will be marked by four lit wreck buoys in the normal manner, and a one-mile exclusion zone maintained.

The Gibraltar Government wishes to express its gratitude and appreciation to the Spanish authorities and to the European Maritime Safety Agency for their offers of support and collaboration should it be needed.

Exhibit C

U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Customs and Border Protection

Approved OMB No 1651-0019

VESSEL ENTRANCE OR CLEARANCE STATEMENT

19 CFR Part 4

☐ ENTRANCE☒ CLEARANCE

See back for instructions

TRADE CODES (see back)

Check One:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6

1. Manifest No.	2. Port of Arrival/Departure NEW YORK, NY	3. Date & Time Of Arrival/Departure 07/ 31 /07 1200 hrs	4. Vessel Operating Draft (in feet and inches) 37 ft. in.
5. Nationality, Name and Type of Vessel MALTA Panama M/V NEW FLAME ZTA Bulk Carrier	6. Vessel Built at/Year KOREA / 1994	7. Name Address & Phone No. of Ship's Agent New England Shipping Co., Inc. 126 Tyler Street Port Newark, NJ 07114 201-946-0366	
8. Name & Country of Owner GLADIATOR NAVIGATION S.A. PANAMA		9. Name & Country of Operator SAME AS #8	
10. Gross Tonnage 26824	11. Net Tonnage 13885	12. Port Arrived From / Departed For ISKERDERUN, TURKEY	13. IMO# Official # Call Sign
14. List All Dock Locations (continue on back if necessary) CLAREMONT TERMINAL, JERSEY CITY, NJ / BAYRIDGE FLATS			
15. Particulars of Voyage (Previous and Subsequent Ports of Call, include dates; underline where remaining cargo will be discharged) (Cont on back) DNEPROBUSKIY, UKRAINE / ELEUSIS, GREECE / PORT NEWARK, NJ / JERSEY CITY, NJ / ISKERDERUN, TURKEY			
16. Brief Description of Cargo LOADING STEEL SCRAP		17. <input checked="" type="checkbox"/> Check If Incomplete Manifest for Export <input type="checkbox"/> Check If Licensed Cargo Loaded <input type="checkbox"/> Check If Complete Manifest for Export	
18. No. of Crew 223	19. No. of Passengers 1	20. List All Carriers on board by SCAC Code	
21. Tonnage Mark <input checked="" type="checkbox"/> None <input type="checkbox"/> Submerged <input type="checkbox"/> Not Submerged	22. Bunkers: Type, Barrels, Value		
23. Load Line Expires 64	24. Solas Certificate Expires 64	25. Passengers Allowed Per Coast Guard Certificate 0	26. Number of Passengers Embarking/Disembarking 0
27. Cert. Of Fin. Resp. No (Oil Pollution) and Exp. Date 64	28. Cert. of Fin. Resp. (Passenger Death/Injury)		29. Cert. of Fin. Resp. (Passenger Transportation Indemnification)
30. PURPOSE OF ENTRANCE OR CLEARANCE <input type="checkbox"/> D (Discharge Foreign Cargo) <input type="checkbox"/> X (Export Cargo Aboard On Arrival) <input checked="" type="checkbox"/> L (Lade Cargo For Export) <input type="checkbox"/> F (FROB - Foreign Cargo To Remain On Board) <input type="checkbox"/> N (No Cargo Transactions) <input checked="" type="checkbox"/> Y (Military Cargo For Discharge/to be Laden)			
31. Print and Sign Name of Master, Authorized Agent or Officer, Date CAPT. DIMITRIOU KONSTANTINOS 07/ 31 /07 X			
FOR CBP USE ONLY			
32. <input type="checkbox"/> CBP User Fee Paid Up*	33. <input type="checkbox"/> APHS User Fee Paid Up*		34. <input type="checkbox"/> Tonnage Tax Paid Up*
35. Cash Receipt, CF 368 or Transaction No	36. Total Fees Collected		37. Port Entered / Cleared. Time and Date 7/31
38. CBP Officer Remarks			
39. Signature and Title of Officer Receiving Entry/Granting Clearance b6, b7c			

*Check boxes only if fees not collected

CBP Form 1300 (02/02)

Exhibit D

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

				12-MONTH PERIOD ENDING SEPTEMBER 30							
NEW YORK SOUTHERN				2006	2005	2004	2003	2002	2001	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*			12,201	12,945	12,422	12,321	13,937	12,783	U.S.	Circuit
	Terminations			11,339	11,346	11,471	10,780	12,618	11,247		
	Pending			20,047	19,302	17,638	17,275	16,198	15,818		
	% Change in Total Filings	Over Last Year		-5.8						56	5
		Over Earlier Years			-1.8		-1.0	-12.5	-4.6	59	2
Number of Judgeships				28	28	28	28	28	28		
Vacant Judgeship Months**				2.0	6.3	8.8	33.3	15.8	.0		
ACTIONS PER JUDGESHIP	FILINGS	Total	435	462	444	441	498	457	43	3	
		Civil	385	409	388	381	441	420	21	3	
		Criminal Felony	34	40	44	47	48	37	87	6	
		Supervised Release Hearings**	16	13	12	13	9	-	64	5	
	Pending Cases			716	689	630	617	579	565	8	2
	Weighted Filings**			501	551	527	513	539	560	28	3
	Terminations			405	405	410	385	451	402	55	3
	Trials Completed			13	15	16	17	15	15	71	3
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	16.7	14.5	11.9	11.8	13.3	12.3	93	6	
		Civil**	8.3	8.8	8.1	8.4	8.3	7.2	23	1	
	From Filing to Trial** (Civil Only)			25.7	22.0	26.8	22.6	23.0	24.4	48	1
OTHER	Civil Cases Over 3 Years Old**	Number	3,107	2,652	1,656	1,312	1,230	1,585			
		Percentage	18.4	16.7	11.6	9.2	9.2	12.1	89	6	
	Average Number of Felony Defendants Filed Per Case			1.7	1.9	1.7	1.5	1.5	1.6		
	Jurors	Avg. Present for Jury Selection	96.33	99.86	88.01	82.96	83.28	73.12			
		Percent Not Selected or Challenged	60.4	62.0	53.1	54.8	61.9	53.2			

2006 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	10793	230	767	1147	88	38	945	2257	1622	835	1374	66	1424
Criminal*	943	5	269	170	111	225	29	28	11	24	24	9	38

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.
 ** See "Explanation of Selected Terms."